

Customer No. 24498
Attorney Docket No: PU020286 US
Final Office Action Date: January 24, 2008

REMARKS

The Final Office Action mailed January 24, 2008 has been reviewed and carefully considered. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-8 and 21-25 are pending in this application. Claims 9-11 have been cancelled. Claims 12-20 have been previously withdrawn without prejudice pursuant to a Restriction Requirement. Applicant reserves the right to file one or more divisional applications for the withdrawn claims. Claims 1 and 7 have been amended. No new matter has been added by the amendments.

§103 REJECTIONS

Claims 1-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,466,832 to Zuzert et al. (hereinafter Zuzert). Applicant respectfully disagrees.

Claims 1 and 7 have been amended to recite, *inter alia*, "receiving an incoming wireless audio file signal from a computer;... and ... sending the audio file to an audio system."

Furthermore, claim 1 has been amended to recite, *inter alia*, "a radio frequency (RF) remote control configured for entering a user-desired channel frequency selected from a plurality of pre-defined frequency values..." These amendments are supported by the specification, e.g., on page 4, lines 15-25; page 5, lines 5-8; page 6, lines 18-19 and FIG. 1.

Zuzert relates to wireless audio speakers and teaches a system for wirelessly transmitting audio data from a transmitter (a CD or DVD player) to one or more receivers

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(wireless speakers). That is, in Zuzqert the transmitter and receivers are within the same audio system. See Col. 2, lines 5-10, reciting: “[P]referably, however, the transmitter and receivers are **integrated** in a stereo or surround system, in which the transmitter is connected to or is a part of a music generator such as a CD or DVD player, and the receivers are connected to, or part of, one or more wireless speakers.” [emphasis added]

Contrast this with the present invention, which relates to wireless transmission from a computer system to an audio system, and as such, discloses a receiver apparatus having a reception circuit configured for receiving a wireless audio file signal from a computer, and a processor for sending the audio file to an audio stereo system, essentially as claimed in claims 1, 7 and 21.

Furthermore, there is no disclosure or suggestion in Zuzqert of at least a radio frequency (RF) remote control configured for entering a user-desired channel frequency selected from a plurality of pre-defined frequency values, essentially as claimed in claims 1 and 21. Instead, in Zuzqert frequency channels are chosen from a plurality of predetermined channels automatically by the transmitter. See Col. 4, lines 7-14, reciting: “[I]n some preferred embodiments of the present invention, the **frequency channels** are chosen from the plurality of predetermined channels **automatically by the transmitting unit**.

Preferably, in systems as described below in which the receivers transmit control signals back to the transmitter, the channels are chosen according to tests performed on a plurality of bands to determine the bands which have low interference rates.” [emphasis added].

Applicant notes that Col. 4, lines 53-55 arguably mentions wherein a ‘user interface of the transmitter preferably includes a control which initiates changing one or more of the frequency channels that are in use.’ However, when such user interface is further described

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in Zuqert, it is explicitly specified that when a frequency shift button on the user interface is pressed, the transmitter is caused to RANDOMLY choose a new pair of channels from the predefined frequency channels for the transmission. *See Col. 17, lines 17-22, reciting inter alia:* “[P]referably, user interface 54 (FIG. 2) includes a frequency shift button or other switch, so that when a user is not satisfied with the transmission quality, he may press the button, causing the transmitter to randomly choose a new pair of channels from the predefined frequency channels for the transmission.”

That is, Zuqert not only fails to disclose or suggest, but clearly teaches away from a enabling a user to specify a user-desired channel frequency, essentially as presently claimed.

Moreover, even assuming *arguendo* that Bowles could be combined with Zuqert, the combination falls short of the invention as presently claimed. With regard to Bowles, it is noted that asymmetry in CD manufacturing can introduce an undesirable DC component in the high frequency (HF) signal, and can significantly alter the measured run-lengths if a “zero crossing” is considered to be the moment of an Non Return to Zero transition. Therefore, Bowles proposes to provide a slicer for introducing a dynamically moving offset (“slicing threshold”) which, when applied to the HF signal, enables run (pulse) lengths in the HF signal to be reliably measured as the time between “zero crossings.” *See Col. 7, lines 37-59.* The slicing threshold comprises two components – an average value threshold and a dynamically varying adjustment of the average threshold which compensates for asymmetry. Thus, in Bowles the hfSync circuit 32 advantageously receives a HF signal that is essentially DC-free. *See Col. 5, line 67 to Col. 6, line 7.*

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Further, the run-lengths in the HF signal are measured and an EFM waveform is regenerated which is sent to an EFM demodulation circuit 38 which extracts the original data values.

However, Bowles fails to disclose or suggest at least re-initializing a demodulated audio file signal in response to a loss of a phase lock in demodulating and setting the receiving of the modulated audio file signal at one of a plurality of channel frequencies to re-establish the phase lock in the demodulating of the audio file signal, essentially as claimed in claims 1 and 7. Bowles generally defines when a phase lock is deemed to have occurred (when the phase error remains below a user-specified threshold for a user-specified number of consecutive run lengths – see Col. 7, lines 16-18) but makes no mention whatsoever of any actions taken in response to a loss of a phase lock in a demodulating of an audio file signal. Instead, in response to its monitoring of phase errors, adjustments are simply made to its slice threshold. Further, there is no mention in Bowles of any adjustments or changes made in channel frequency settings, as presently claimed.

Moreover, Bowles fails to cure the deficiencies of Zugert with respect to the present claims. Bowles fails to disclose or suggest at least a radio frequency RF remote control configured for entering a user-desired channel frequency selected from a plurality of pre-defined frequency values, essentially as claimed in claims 1 and 21.

Accordingly, claims 1 and 7 are asserted to be patentable and nonobvious over Zugert in view of Bowles for at least the reasons stated above. Claims 2-6 and 8 depend from claims 1 and 7, respectively. The dependent claims include the limitations of their respective independent claims and are therefore believed to be patentable and nonobvious

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for at least the reasons stated for claims 1 and 7. Claims 9-11 have been cancelled without prejudice.

DOUBLE PATENTING REJECTION

Claims 1-11 are provisionally rejected on the ground of non-statutory obviousness type double patenting as being unpatentable over claims 1-11 of co-pending U.S. Application Serial No. 10/516859 in view of Zuzert. First, note that claims 9-11 have been cancelled without prejudice. Applicant will consider filing a duly executed Terminal Disclaimer in compliance with 37 C.F.R. 1.321 to overcome this rejection upon resolution of all other existing matters. With respect to Zuzert, please see the above discussion with reference to the §103 rejection.

It is therefore respectfully submitted that the present invention is not disclosed or suggested by the cited references taken alone or in combination. Claims 1-8 and 21-25 are believed to be in condition for allowance for at least the reasons stated above. Withdrawal of all the rejections and early and favorable reconsideration of the case is respectfully requested.

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CONCLUSION

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Final Office Action of January 24, 2008 be withdrawn, that pending Claims 1-8 and 21-25 be allowed, and that the case proceed to early issuance of Letters Patent in due course. As discussed above, a terminal disclaimer will be filed upon indication by the Examiner that all other existing issues are resolved.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

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